

REMARKS

In the Office Action, claims 1-2, 5-10 and 14-20 were objected in that there was a grammatical error in claim 1 at line 6. In response, the term "wherein each pack of batteries(5) of batteries (6) contains batteries" has been rewritten as "wherein each pack of batteries (5) contains batteries (6)". For this reason, it is requested that this ground of objection be withdrawn.

Claims 1-2, 6 and 18 were rejected as being unpatentable over Malaspina in view of Eggert under 35 U.S.C. §103(a).

Reconsideration is requested.

Claim 1 includes the recitation that *"wherein said electronic panel (50) selects at least one battery pack (5) containing the most highly charged batteries (6) of the type selected"*.

This feature is not found or suggested in the cited prior art.

The Malaspina patent discloses a battery charger that has no provision for linking batteries together at a point of sale. In addition the concept of charging battery packs that are connected in series, as pointed out in amended claim 1, is not suggested by Malaspina and nothing in Malaspina suggests a point of sale battery charger having automatic selection and supply means where an electronic panel (50) selects at least one battery pack (5) that contains the most highly charged batteries (6) on the display. The Malaspina patent describes a system where discharged batteries are placed in a vending machine containing a charger and the vending machine tests the batteries to determine if they are suitable for recharging and resale. Batteries that are suitable for resale are charged in the vending machine and stored for resale through the vending machines controls. This does not suggest the claimed invention which provides an automatic system for providing batteries at a point of purchase where the batteries having the highest degree of charge

are identified to a prospective purchaser in order to accommodate the restocking and recharging of batteries that have lost at least a part of their charge, at the point of sale, in accordance with claim 1

The advantages inherent in the applicants device are described in the specification at pages 1 and 2 as being based on the fact that rechargeable batteries do not maintain a charge during the normal shelf life where a battery is shipped from where it is manufactured and placed in a retail environment where it may completely lose its charge prior to sale. This problem is solved by the present invention which combines a point of sale display device with a recharging device that charges multiple batteries in a single package

Eggert only discloses a portable auxiliary battery charging battery pack where the charging means is adapted for maintaining the charge in a lead acid battery that is for stand-by use in jump-starting an automobile engine. This device is not a point of purchase display and it does not suggest a battery charger-point of purchase display and it does not disclose the features that are pointed out in claim 1 with regard to the automatic selection and supply means where an electronic panel (50) selects at least one battery pack (5) that contains the most highly charged batteries (6) on the display. This results in the availability of a charged battery pack at all times. Nothing in Malaspina or Eggert suggests the inclusion of means to enable the selection of the battery pack with the highest charge in a point of purchase display.

There is no reason to combine Malaspina and Eggert other than the present application as these references are concerned with completely different applications and when considered alone or in combination, they do not suggest the device of amended claim 1 which provides a point of purchase display having an electronic panel that selects at least one battery pack that contains the most highly charged battery pack. For these reasons, it is requested that this ground of rejection be withdrawn.

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Claims 14-17 were rejected as being unpatentable over Malaspina in view of Eggert further in view of Offutt under 35 U.S.C. §103(a).

Reconsideration is requested.

Malaspina and Eggert have been discussed above and they do not suggest the subject matter of claims 14-17 which are directly or indirectly dependent on claim 1. Offutt disclosed a dispensing or vending machine for diverse merchandise where the machine was adapted to rotate the displayed merchandise. While the Offutt machine has an expulsion mechanism, it is not a point of purchase battery charging device which provides means to determine the relative charged states of battery packs held by the display. This key feature is recited in the main claim from which claims 14-17 depend and for this reason, it is requested that this ground of rejection be withdrawn.

Claims 7-9 were rejected as being unpatentable over Malaspina in view of Eggert and in view of Wang under 35 U.S.C. §103(a).

Reconsideration is requested.

Malaspina and Eggert have been discussed above and they do not suggest the subject matter of claims 7-9 which are directly or indirectly dependent on claim 1. Wang discloses a battery charger that is designed to charge different batteries. Nothing in Wang suggests a point of purchase display-charger and nothing in Wang suggests the automatic selection and supply means that in any way makes obvious the claimed electronic panel (50) that selects at least one battery pack (5) that contains the *most highly charged* batteries (6) on the display. For these reasons, it is requested that this ground of rejection be withdrawn.

Claim 10 was rejected as being unpatentable over Malaspina in view of Eggert and in view of Flowerdew under 35 U.S.C. §103(a).

Reconsideration is requested.

The Malaspina and Eggert patents have been distinguished from amended claim 1 and the claims that depend from amended claim 1 above. Claim 10 depends from amended claim 1 and it is patentable for the same reasons that amended claim 1 is patentable. Flowerdew discloses an inductive charging system for rechargeable batteries which eliminates the need for contacts between the charger and the battery. Flowerdew does not supply any information that is missing from Malaspina and Eggert regarding the part of the applicants claimed device which comprises an electronic panel (50) that selects at least one battery pack (5) that contains the *most highly charged* batteries (6). Nothing in the cited references makes obvious a point of sale battery charger having automatic selection and supply means where an electronic panel (50) selects at least one battery pack (5) that contains the most highly charged batteries (6) on the display. For these reasons, it is requested that this ground of rejection be withdrawn.

Claims 19-20 were rejected as being unpatentable over Malaspina in view of Eggert and in view of Yang under 35 U.S.C§103(a).

Reconsideration is requested.


The Malaspina and Eggert patents have been distinguished from amended claim 1 and claim 19 depends from amended claim 1. Yang discloses a battery vending machine that includes charging means that operate during off-peak hours. The Yang machine does not provide any means of identifying the batteries that have the highest charge that would make obvious an electronic panel (50) selects at least one battery pack (5) that contains the most highly charged batteries (6) on a battery point of purchase display.

Claim 20 is a combination of original claims 1, 3, 11, 12, 13, 16, 17, 18 and 19 and the combined teachings of the cited references do not make claim 20 unpatentable because they fail to suggest a point of purchase display-charger having the features of claim 20. In particular, new claim 20 points out a point of sale battery charger having automatic selection and supply means where an electronic panel (50) selects at least one battery pack (5) that contains the most highly

charged batteries (6) on the display. The diverse chargers, portable chargers and vending machines of the cited prior art do not make obvious the combined elements of claim 20. For these reasons, it is requested that claim 20 be favorably considered.

An early and favorable action is earnestly solicited

Respectfully submitted,



James V. Costigan
Reg. No. 25,669

Hedman & Costigan, P.C.
1185 Avenue of the Americas
New York, NY 10036
(212) 302-8989